

REMARKS/ARGUMENTS

In this Preliminary Amendment, Applicant amended claims 1, 2, 11, 33, 39, 51, 54, 60, 64, 70, 73, 75-78, 80, 88, 93, 95, 108, 109, 113-117, 122, 129, 142, 151, 153. Claims 16-17, 24-26, 32, 38, 50, 55, 79, 81, 82, 84, 87, 90-92, 104, 112, 118, 121, 123, 124, 134-136, 138-139, and 148-149 were previously canceled and therefore claims 1-15, 18-23, 27-31, 33-37, 39-49, 51-54, 56-78, 80, 83, 85, 86, 88, 89, 93-103, 105-111, 113-117, 119, 120, 122, 125-133, 137, 140-147, and 150-155 remain pending in this application.

A. Summary of the Claim Amendments.

In order to assist the Examiner's review of the claims, provided below is a summary of the claim amendments.

Claims 1, 2, 33, 39, 51, 54, 64, 70, 73, 75, 80, 88, 93, 95, 108, 109, 113-117, 122, 129, 151, and 153 are amended to more clearly recite a cell phone that is capable of wirelessly accessing/connecting to the Internet and remotely located telephones. To the extent that the claims was previously recited this capability in the disjunctive "or" or "and/or", Applicant has now amended the claims to recite this capability in the conjunctive "and." Support for this amendment is found throughout the specification and no new matter has been added by this amendment.

Claim 11 is amended to more specifically recite the features of the replaceable memory card "with an engagement feature" and a socket "with an engagement element and a spring." Support for this amendment is found throughout the specification and no new matter has been added by this amendment.

Claims 39, 60, 75-78, and 115 are amended to clarify the claim language.

Specifically, claims 39 and 60 are amended to delete "currently" in the recitation of "the currently captured images or sounds" and claims 75-78 and 115 are amended to delete "currently" from "currently being received by said cellphone." Support for this amendment is found throughout the specification and no new matter has been added by this amendment.

Claim 142 is amended merely to conform the dependent claim style with the other pending dependent claims. Claim 142 originally recited "In the mobile entertainment and communication device..." Claim 142 was amended to delete "In". Again, no new matter has been added.

**B. Consideration of the Newly-Cited References in the IDS filed
concurrently with the RCE.**

On August 3, 2007, Applicant filed a petition to withdraw the above-captioned application ("the '363 application") from issue in order to permit consideration of a Request for Continued Examination ("RCE") and an Information Disclosure Statement ("IDS").

Specifically, withdrawal of the application from issue was requested in order for the Examiner to consider of the references cited in the IDS. The following references were only recently called to Applicant's attention by a third party asserting their materiality as to the claims pending in the instant application on July 24, 2007:

U.S. Pat. No. 5,487,182

U.S. Pat. No. 5,969,750

U.S. Pat. No. 5,537,608

U.S. Pat. No. 6,310,609

U.S. Pat. No. 5,584,052

GB 2,308,775

U.S. Pat. No. 5,615,384

Samsung SCH-1500 User's Guide

Each of the above-listed references were cited in the IDS filed concurrently with the RCE on August 3, 2007.

Allegations as to the materiality of the above-listed references were made by a third party. Applicant, however, believes that the above-listed references are not believed to be material to the patentability as to the claims now pending in the '363 application for at least the reasons that: (1) none of the newly-cited references, either singly or in combination, disclose each and every elements recited by the claims pending in the '363 application; (2) certain disclosures in the newly-cited references are cumulative of one or more of the over 120 references that are already of record in the '363 application; or (3) both.

There is a total of forty-eight (48) independent claims pending in this application. Each of the independent claims require a cellphone that includes one or more of the following features: (1) wireless Internet connection; (2) an audible alarm and an emergency button connected to the audible alarm; (3) separate switches for separately operating said microphone for capturing sounds and said camera for capturing said still or continuing images; (4) GPS; (5) a sensor that activates certain features upon sensing an activating characteristic; (6) a removable memory card and a memory card socket, each having certain described features; (7) an emergency call function that activates the operation of certain features; (8) voice controlled cellphone activation for selectively causing the capturing or transmitting combined sounds and moving images by microphone and camera to a pre-selected one or more of the remote telephones.

None of the newly-cited references disclose the cellphone as claimed by Applicant that additionally includes any one or more of these above-listed features.

For example, U.S. Pat. No. 5,615,384 ("Allard"), U.S. Pat. No. 5,537,608 to Beatty et al. ("Beatty"), and U.S. Pat. No. 5,969,750 ("Hsieh") each fail to disclose a cellphone that is adapted for wirelessly connecting to the Internet. Each of Allard, Beatty and Hsieh disclose a cellphone comprising a modem which is connected to a PC or a central controller by a cable or bus. For example, Allard discloses:

Modem 56 is connected to a phone port 100 by means of which PC 10 can be connected by a cable (not shown) into a phone network system.

Allard, at col. 4, lines 46-48 (emphasis added). Moreover, Beatty discloses:

Modem 14 is coupled to central controller 16 via a number of power, control and audio signal lines collectively illustrated in FIG. 1 as bus 25.

Beatty, at col. 3, lines 9-11 (emphasis added). Also, Hsieh discloses:

a modem connected to said bus, for receiving said bit rate reduced video signal and communicating said bit rate reduced video signal to a second modem via a communications network.

Hsieh, at claim 2 (emphasis added). Moreover, Allard, Beatty and Hsieh do not disclose the remaining features of the various independent claims pending in this application.

Furthermore, certain of the relevant disclosures of Allard, Beatty, and Hsieh are believed to be cumulative to at least U.S. Pat. No. 6,427,078 to Wilska et al. ("Wilska") insofar as it pertains to the pending claims. Wilska was cited by Applicant and considered by the Examiner in a Final Office Action, dated November 20, 2006. With regard to the disclosure in Wilska, Examiner stated:

Wilska discloses a mobile entertainment and communication device (see Fig. 3), for communicating with the Internet and remotely located telephones (features of cellular mobile telephone and modem 17), comprising: a handheld cellphone for wireless accessing the Internet or

placing and receiving phone calls to and from the remotely located telephones (feature of cellular mobile telephone and modem 17), the cellphone having a microphone (20), a speaker (19), a display (9), a microprocessor (4), a wired or wireless earphone and a memory (7, 13), including a replaceable memory card (PCMCIA being able to advance the exchangeability of integrated circuit cards in computers and other electronic devices, see col. 4, lines 1-8), the microprocessor controlling the reproduction of continuing sounds and controlling moving images (camera functions to record images, col. 3, lines 54-65, separately or simultaneously (capability of transmitting both data and speech via the integrated cellular mobile phone unit, see col. 3, lines 45-53) by directing the continuing sounds and continuing images appropriately to the wired or wireless earphone and the display from at least one of the memory or replaceable memory card, the internet or the remote telephone or radio broadcasting (images stored in the mobile organizer's memory can be viewed using an operating program, see col. 6, lines 3-13).

Final Office Action, dated November 20, 2006, at page 2-3.

In addition, eight (8) U.S. patent references were also recently called to Applicant's attention by a third party asserting their materiality as to the parent patent, U.S. Pat. No. 6,681,120, on July 27, 2007:

U.S. Pat. No. 5,418,837	U.S. Pat. No. 5,933,328
U.S. Pat. No. 5,640,675	U.S. Pat. No. 6,081,708
U.S. Pat. No. 5,687,216	U.S. Pat. No. 6,195,531
U.S. Pat. No. 5,884,168	U.S. Pat. No. 7,123,936

Each of the above-listed references were cited in the IDS filed concurrently with the RCE on August 3, 2007.

Applicant has distinguished its memory cards from a Subscriber Identity Module (SIM) card in a response dated April 17, 2006. The Applicant made a statement regarding the difference between a SIM card which is understood to not be an interactive memory that can either receive or transmit data, but only acts as an

electronic key. Specifically, the Applicant stated:

[W]e wish to distinguish a Subscriber Identity Module (SIM card). The SIM card does not have the capacities recited in the present claims for storing moving images, sound and a combination of sound and moving images. Consequently, in the review by the Examiner, we ask that this difference be considered.

Substitute Amendment Responsive to Telephone Interview and Full Report of Telephone Interview, dated April 17, 2006, pages 69-70. Therefore, Applicant respectfully submits that the memory cards, as recited in the claims pending in this application, are distinguishable from the references to the extent that they disclose and teach a SIM card.

Conclusion

The Director is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 50-3683.

Respectfully submitted,



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